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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/285,249	04/02/1999	JOHN S. HENDRICKS	5200	3419

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EXAMINER	
KOENIG, ANDREW Y	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/285,249	HENDRICKS ET AL.	
	Examiner	Art Unit	
	Andrew Y. Koenig	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 23-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20, 23-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-16 and 25 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's arguments filed 27 October 2005 have been fully considered but they are not persuasive.

Regarding claims 17-20 and 23-24, the applicant argues that Wunderlich, Farry, and Banker fail to teaches or suggest "a file server ... capable of (i) receiving a first authorization code to enable delivery of a requested program to all the set top terminals requesting the same requested program within the timer period, and (ii) sending a second authorization signal to all the set top terminals requesting the same requested program within the time period, wherein ... the second authorization code enables descrambling said scrambled requested program."

The examiner disagrees.

Wunderlich teaches a file server (52), coupled to the network manager (51), wherein the file server spools the requested program via device (53), which is clearly capable of receiving said first authorization code and sending a second authorization code in that the file server of Wunderlich is a server and causes data to be sent out to the network (col. 7, ll. 24-40, col. 9, ll. 16-25).

Farry teaches an authorization component to transmit a first authorization code to enable set top terminals to receive a requested program and to enable delivery of a requested program in that Farry teaches an authorization component (1670 and/or 501) that transmits a notification signal to a level 1 gateway server (140) for the advantage of authorizing service to a subscriber (col. 11, ll. 1-35).

Banker is introduced to teach the tuning to a preview channel along with transmitting scrambled programs from a headend to set top terminals, and transmitting a second authorization code from a system manager to set top terminals for descrambling the scrambled programs (col. 6-7, ll. 54-3, col. 9, ll. 46-48, col. 10, ll. 1-16).

All of the systems of Wunderlich, Farry, and Banker are directed to securely providing plural users access to programming. Consequently, the combination of Wunderlich, Farry, and Banker teaches sending first/second authorizations to all the set top terminals requesting the same requested program. However, Wunderlich, Farry, and Banker are silent on the use of a time period.

Harney teaches time periods for having access to programming wherein the time period starts before the transmission of the program and the time period ends after the beginning of the movie (col. 16, ll. 38-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wunderlich, Farry, Banker by using time periods as taught by Harney in the combined system of Wunderlich, Farry, Banker (the first/second authorizations to all the set top terminals

requesting the same requested program) in order to permit users to enter programming at their desired time.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-16, and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Wunderlich et al. (Wunderlich) in view of Farry et al. (Farry) and further in view of Banker (5,357,276).

Considering claim 1, Wunderlich discloses an apparatus for video on demand program: comprising.

a) a receiver (51) to receive requests for video on demand programs (col. 9, lines 1-3);

b) a network manager (51) to process said program request (col. 9, lines 4-14);

c) a file server (52), coupled to the network manager (51), wherein the file server spools the requested program via device (53).

Although Wunderlich discloses authorizing the subscriber to view the requested program (col. 9, lines 15-20 and 23-26), he fails to specifically disclose an authorization

component to transmit a first authorization code to enable set top terminals to receive a requested program, use of a preview channel, and a second authorization code to descramble a scrambled program as recited in the claims.

Farry discloses an apparatus (figure 16) for video on demand programs comprising an authorization component (1670 and/or 501) that transmits a notification signal (e.g. an authorization code or identification) to a level 1 gateway server (1640) for the advantage of authorizing service to a subscriber. See column 11, lines 1-35.

Banker discloses use of a preview channel, transmitting scrambled programs from a headend to set top terminals, and transmitting authorization codes from a system manager to set top terminals for descrambling the scrambled programs, along with an authorization code for enabling the event to be previewed, thereby enabling the delivery of the program. See the entire reference including but not limited to col. 6, lines 54+ through col. 7:3, col. 9:38-48, col. 10: 1-16.

It would have been obvious to one of ordinary skill in the art to modify Wunderlich's system (if necessary) to include an authorization component to transmit an authorization code to enable set top terminals to receive a requested programs as taught by Farry, for the typical advantage authorizing service to a subscriber.

Furthermore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Wunderlich and Farry to include use a preview channel that has an authorization code for enabling the channel to be previewed (and thus enabling delivery of the program) as well as a second authorization code to descramble a scrambled program, as taught by Banker, for the additional advantage of conserving

bandwidth and descrambling scrambled programs received by set top terminals to prevent theft of program signals.

The combination of Wunderlich, Farry, and Banker teaches the preview channel does not provide the full video on demand program, in that Banker teaches a when the preview should be shown (col. 9, ll. 39-41).

Claim 2 is met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses a network manager (51) that comprises a processor inherently having an instruction memory for executing the processing of the program request is described at col. 9, lines 4-14.

Claim 3 is met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses a network manager (51) that comprises a processor having control software that group the program requests based on if an on demand channel is available for a given time period. For users that request a channel when all on demand channels are in use, these user requests are grouped by providing users a next open block of time for requesting (col. 9, lines 15-25).

Claims 4-5 are met by the combined systems of Wunderlich, Farry and Banker, wherein Banker discloses time windows for requesting and receiving program requests in association with providing NVOD services in col. 1 1:2-8, col. 1 1:23-43, and seen with reference to Figs. 8 and 9 showing time periods for a movie restarting in 9 minutes

and the ability to select to receive the requested program. It would have been obvious for one skilled in the art at the time of the invention to modify Wunderlich in view of Farry by utilizing time windows for program requests as taught by Banker in order to enhance NVOD service by providing the subscriber with user friendly features that emulate the VCR functions of pause, fat forward, and rewind (Banker, col. 1 1:43-46).

Claim 6 is met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses that programs are stored in MPEG format at col. 7, lines 60-65.

Claim 7 is met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses that the request for VOD programs are from set top terminals (14) described throughout the reference including but not limited to col. 5, lines 15-20 and col. 9, lines 1-40.

Claim 8 is met by the combined systems of Wunderlich, Farry, and Banker because the transferring of any signal (including an authorization code between two equipments has to include an interface device. For example, a printer interface card is necessary in a computer to send data to the printer and an interface is needed in a computer in order to receive input data from a keyboard. Therefore, one of ordinary skill in the art would readily recognize that in interface is a necessary device in the transfer of data between equipments.

Claim 9 is met by the combined systems of Wunderlich, Farry and Banker as described in the rejections of claims 3 and 8.

Claim 10 is met by the combined systems of Wunderlich and Farry as described in the rejections of claims 3 and 8, since Farry's authorization component (501) has to receive a request in order to issue authorization.

Claim 11 is met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses a network manager (51) that comprises a processor inherently having an instruction memory for executing the processing of the program request as described at col. 9, lines 4-14.

Claim 12 is met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses a network manager (51) that comprises a processor having control software that compile the program requests to determine if a channel is available for a requesting subscriber as described in col. 9, lines 15-25.

Claim 13 is met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses that the request for VOD programs are from set top terminals (14) described through out the reference including but not limited to col. 5, lines 15-20 and col. 9, lines 1-40.

Claims 14-15 are met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses that 5le server deliver at least one requested program to the requesting subscriber.

Claim 16 is met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses that programs are stored in MPEG format at col. 7, lines 60-65. Note that MPEG programs are digital programs.

As for claim 25, the combined systems of Wunderlich, Farry and Banker disclose all the claimed subject matter as noted above, particularly in response to claims 1 and 4.

5. Claims 17-20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wunderlich et al. (Wunderlich) in view of Farry et al. (Farry) and further in view of Banker (5,357,276) and Harney (5,245,420)

Considering claim 17, Wunderlich discloses an apparatus for video on demand program: comprising.

a) a receiver (51) to receive requests for video on demand programs (col. 9, lines 1-3);

b) a network manager (51) to process said program request (col. 9, lines 4-14);

c) a file server (52), coupled to the network manager (51), wherein the file server spools the requested program via device (53).

Although Wunderlich discloses authorizing the subscriber to view the requested program (col. 9, lines 15-20 and 23-26), he fails to specifically disclose an authorization component to transmit a first authorization code to enable set top terminals to receive a requested program, use of a preview channel, and a second authorization code to descramble a scrambled program as recited in the claims.

Farry discloses an apparatus (figure 16) for video on demand programs comprising an authorization component (1670 and/or 501) that transmits a notification signal (e.g. an authorization code or identification) to a level 1 gateway server (1640) for the advantage of authorizing service to a subscriber. See column 11, lines 1-35.

Banker discloses use of a preview channel, transmitting scrambled programs from a headend to set top terminals, and transmitting authorization codes from a system manager to set top terminals for descrambling the scrambled programs, along with an authorization code for enabling the event to be previewed, thereby enabling the reception of the program. See the entire reference including but not limited to col. 6, lines 54+ through col. 7:3, col. 9:38-48, col. 10: 1-16.

It would have been obvious to one of ordinary skill in the art to modify Wunderlich's system (if necessary) to include an authorization component to transmit an authorization code to enable set top terminals to receive a requested programs as taught by Farry, for the typical advantage authorizing service to a subscriber.

Furthermore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Wunderlich and Farry to include use a preview channel that has an authorization code for enabling the channel to be previewed (and thus enabling delivery of the program to all set top terminal (including those terminals that request the same requested program within the time period) as well as a second authorization code to descramble a scrambled program, as taught by Banker, for the additional advantage of conserving bandwidth and descrambling scrambled programs received by set top terminals to prevent theft of program signals.

Wunderlich discloses a network manager (51) that comprises a processor having control software that group the program requests based on if an on demand channel is available for a given time period. For users that request a channel when all on demand channels are in use, these user requests are grouped by providing users a next open block of time for requesting (col. 9, lines 15-25).

Further claim 17 is met by the combined systems of Wunderlich, Farry, and Banker because the transferring of any signal (including an authorization code between two equipments has to include an interface device. For example, a printer interface card is necessary in a computer to send data to the printer and an interface is needed in a computer in order to receive input data from a keyboard. Therefore, one of ordinary skill in the art would readily recognize that in interface is a necessary device in the transfer of data between equipments.

Wunderlich discloses a network manager (51) that comprises a processor having control software that group the program requests based on if an on demand channel is

available for a given time period, but is silent on a timer extending from an initial request for a program. Harney teaches entering a movie after the beginning of the movie (col. 16, ll. 38-45), which equates to a time period extending from an initial request of a program. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wunderlich, Farry, Banker by timer extending from an initial request for a program as taught by Harney in order to permit users to enter programming at their desired time.

All of the systems of Wunderlich, Farry, and Banker are directed to securely providing plural users access to programming. Consequently, the combination of Wunderlich, Farry, and Banker teaches sending first/second authorizations to all the set top terminals requesting the same requested program. However, Wunderlich, Farry, and Banker are silent on the use of a time period.

Harney teaches time periods for having access to programming wherein the time period starts before the transmission of the program and the time period ends after the beginning of the movie (col. 16, ll. 38-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wunderlich, Farry, Banker by using time periods as taught by Harney in the combined system of Wunderlich, Farry, Banker (the first/second authorizations to all the set top terminals requesting the same requested program) in order to permit users to enter programming at their desired time.

Claims 18-19 are met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses that programs are stored in MPEG format at col. 7, lines 60-65. Note that MPEG programs are digital programs.

Claim 20 is met by the combined systems of Wunderlich, Farry and Banker &s described in the rejection of claim 1. In particular, the claimed "e) authorizing viewing or delivering of the requested program" is met by the first and/or the second authorization codes and the claimed "f) downloading a second authorization code. . . ." is met by the authorization code taught by Banker. Furthermore, Banker teaches an initial request of an on demand program followed by use of time periods as noted in response to claim 4 and seen in Figs. 8 and 9 showing 9 minutes remaining for a user to provide an additional request. A user may provide this request or choose to wait to a later time, thus authorizing viewing or deliver after the time period (in this case, 9 minutes) expires by using the next channel and a different program block, in this case divided into 15 minute increments. It would have been obvious for one skilled in the art at the time of the invention to modify Wunderlich in view of Farry by utilizing time windows for program requests as taught by Banker in order to enhance NVOD service by providing the subscriber with user friendly features that emulate the VCR functions of pause, fist forward, and rewind (Banker, col. 1 1:43-46).

Wunderlich discloses a network manager (51) that comprises a processor having control software that group the program requests based on if an on demand channel is available for a given time period, but is silent on a timer extending from an initial request

for a program. Banker teaches entering a movie after the beginning of the movie as shown in figure 7b, label A26, which equates to a time period extending from an initial request of a program (col. 16, ll. 38-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wunderlich, Farry by timer extending from an initial request for a program as taught by Banker in order to permit users to enter programming at their desired time.

All of the systems of Wunderlich, Farry, and Banker are directed to securely providing plural users access to programming. Consequently, the combination of Wunderlich, Farry, and Banker teaches sending first/second authorizations to all the set top terminals requesting the same requested program. However, Wunderlich, Farry, and Banker are silent on the use of a time period.

Harney teaches time periods for having access to programming wherein the time period starts before the transmission of the program and the time period ends after the beginning of the movie (col. 16, ll. 38-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wunderlich, Farry, Banker by using time periods as taught by Harney in the combined system of Wunderlich, Farry, Banker (the first/second authorizations to all the set top terminals requesting the same requested program) in order to permit users to enter programming at their desired time.

As for claim 23, the combined systems of Wunderlich, Farry and Banker teach use of a preview channel with authorization as taught by Banker in the above noted sections and col. 9:46-48.

As for claim 24, the combined systems of Wunderlich, Farry and Banker disclose all the claimed subject matter as noted above, Claim 24 is met by the combined systems of Wunderlich, Farry and Banker, wherein Wunderlich discloses a network manager (51) that comprises a processor having control software that group the program requests based on if an on demand channel is available for a given time period. For users that request a channel when all on demand channels are in use, these user requests are grouped by providing users a next open block of time for requesting (col. 9, lines 15-25).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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